

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER DONTONIO P. DANIELS,) No. 04 PB 2551
STAR No. 2824, DEPARTMENT OF POLICE,)
CITY OF CHICAGO) (CR No. 274279)

FINDINGS AND DECISION

On June 8, 2004, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Dontonio P. Daniels, Star No. 2824, (hereinafter sometimes referred to as "Respondent") seeking his discharge for violating the following Rules:

- Rule 1: Violation of any law or ordinance.
- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 25: Failure to actually reside within the corporate boundaries of the City of Chicago.
- Rule 26: Failure to provide the Department with a current address and telephone number.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer Dontonio P. Daniels to be had before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on June 27, 2005, July 18, 2005, August 18, 2005, August 31, 2005, October 6, 2005, November 28, 2005, November 29, 2005, and December 15, 2005.

Following the hearing, the members of the Police Board read and reviewed a copy of the certified transcription of the hearing and viewed the video-recording of the hearing. Michael G. Berland, Hearing Officer, made an oral report to and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its hearing of the charges, finds and determines that:

1. The Respondent was at all times mentioned herein a police officer employed by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date, and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, were served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The hearing was conducted on June 27, 2005, July 18, 2005, August 18, 2005, August 31, 2005, October 6, 2005, November 28, 2005, November 29, 2005, and December 15, 2005 before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago.

4. Throughout the hearing, the Respondent did appear in person and was represented by counsel of his choice.

5. The following charges and specifications brought against Police Officer Dontonio P. Daniels, Star No. 2824, are **dismissed**

with prejudice upon motion of the Superintendent at the hearing on December 15, 2005:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Count II: From July 18, 2001 through on or about June 24, 2002, or for some period of time therein, Officer Daniels changed residence and failed to submit a Personal Change Notice and/or Residential Declaration/Change of Address form to the Chicago Police Department in violation of General Order 94-05, Addendum 8, Article III, Sections A(1), A(2), and C.

Rule 6: Disobedience of an order or directive, whether written or oral.

From July 18, 2001 through on or about June 24, 2002, or for some period of time therein, Officer Daniels changed residence and failed to submit a Personal Change Notice and/or Residential Declaration/Change of Address form to the Chicago Police Department in violation of General Order 94-05, Addendum 8, Article III, Sections A(1), A(2), and C.

6. The Respondent, Police Officer Dontonio P. Daniels, Star No. 2824, charged herein, contrary to the Rules and Regulations, is **not guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance.

There was insufficient evidence presented by the Superintendent at the hearing to prove that from July 18, 2001 through on or about June 24, 2002, or for some period of time therein, Officer Daniels engaged in conduct prohibited by the Municipal Code of the City of Chicago, in that he, while an employee of the City of Chicago, failed to be an actual resident of the City of Chicago, contrary to Title 2, Chapter 152, Section 340 of the Municipal Code of the City of Chicago.

7. The Respondent, Police Officer Dontonio P. Daniels, Star No. 2824, charged herein, contrary to the Rules and Regulations,

is **not guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Count I: There was insufficient evidence presented by the Superintendent at the hearing to prove that from July 18, 2001 through on or about June 24, 2002, or for some period of time therein, Officer Daniels engaged in conduct prohibited by the Municipal Code of the City of Chicago, in that he, while an employee of the City of Chicago, failed to be an actual resident of the City of Chicago, contrary to Title 2, Chapter 152, Section 340 of the Municipal Code of the City of Chicago.

Count III: There was insufficient evidence presented by the Superintendent at the hearing to prove that from July 18, 2001 through on or about June 24, 2002, or for some period of time therein, Officer Daniels failed to provide the Chicago Police Department with a current address and/or telephone number.

8. The Respondent, Police Officer Dontonio P. Daniels, Star No. 2824, charged herein, contrary to the Rules and Regulations, is **not guilty** of violating, to wit:

Rule 25: Failure to actually reside within the corporate boundaries of the City of Chicago.

There was insufficient evidence presented by the Superintendent at the hearing to prove that from July 18, 2001 through on or about June 24, 2002, or for some period of time therein, Officer Daniels failed to be an actual resident of the City of Chicago

9. The Respondent, Police Officer Dontonio P. Daniels, Star No. 2824, charged herein, contrary to the Rules and Regulations, is **not guilty** of violating, to wit:

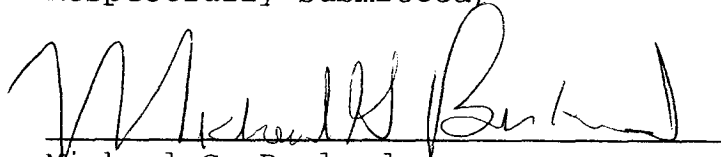
Rule 26: Failure to provide the Department with a current address and telephone number.

There was insufficient evidence presented by the

Superintendent at the hearing to prove that from July 18, 2001 through on or about June 24, 2002, or for some period of time therein, Officer Daniels failed to provide the Chicago Police Department with a current address and/or telephone number.

By reason of the findings of fact that Police Officer Dontonio P. Daniels, Star No. 2824, is not guilty of violating Rules 1, 2, 25, and 26, cause exists for restoring Police Officer Dontonio P. Daniels to his position as a police officer with the Department of Police and to the services of the City of Chicago, effective June 12, 2004, the date of his suspension, with restoration of all rights and benefits retroactive to June 12, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael G. Berland", is written over a horizontal line.

Michael G. Berland
Hearing Officer

D E C I S I O N

The members of the Police Board, having read and reviewed the certified transcription of the hearing, having viewed the video-recording of the hearing, having received the oral report of the Hearing Officer, Michael G. Berland, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopt all findings herein; and

IT IS HEREBY ORDERED that the Respondent, Police Officer Dontonio P. Daniels, Star No. 2824, as a result of having been found **not guilty** of the charges in Police Board Case No. 04-2551, be and hereby is **restored** to his position as a Police Officer, and to the services of the City of Chicago, with all rights and benefits, effective 12 June 2004.

**DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
19TH DAY OF JANUARY, 2006.**

Res. J. L. Miller
Demetri J. Carr
Patricia A. Balle
Michael G. Berland
William R. Fungling

Max A. Consoni

Executive Director
Police Board

DISSENT

The following members of the Police Board hereby dissent from the decision of the majority of the Board in Case No. 04-2551.

Scott J. Davis

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS 27 DAY OF Feb, 2006.

G. L. H. J. E.

SUPERINTENDENT OF POLICE